



## STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2013-33

Legistar #: 20130814

Board of Zoning Appeals Hearing: Monday, August 26, 2013 – 6:00 p.m.

Property Owner: JBE Realty Holdings, LLLP  
5901 Peachtree Blvd  
Chamblee, GA 30341

Applicant: Steven Ellis  
Pro Building Systems  
3678 North Peachtree Road  
Marietta, GA 30341

Address: 1141 Cobb Parkway South

Land Lot: 05820 District: 17 Parcel: 0040

Council Ward: 7 Existing Zoning: CRC (Community Retail Commercial)

### Special Exception / Special Use / Variance(s) Requested:

1. Variance to allow Aluminum Composite metal material siding on a building facing a roadway. [§708.16(G.3.)]

### Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

---

**Criteria:**

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

**PICTURES**





**Looking at Volvo Service Building from Rottenwood Drive. This is to the rear of the parcel.**



**Looking at Mazda Dealership on Cobb Parkway. This is the front of the parcel.**

### **Recommended Action:**

**Approval.** Steven Ellis, petitioner and applicant for owner JBE Realty Holdings, LLLP is requesting a variance to install aluminum composite material along the exterior wall panels of the building that faces two roadways (Delk Road and Rottenwood Drive). The subject property is 4.25 acres and is known as 1141 Cobb Parkway S. The subject property is zoned CRC (Community Retail Commercial) and houses the Mazda dealership and the Volvo service building. The Volvo service building is located to the rear of the property and fronts two roadways, and the Mazda dealership is to the front of the property and has frontage on Cobb Parkway. To the south of the subject property is the Volvo dealership, which is zoned CRC (Community Retail Commercial). To the north, is an office/warehouse building that is also zoned CRC (Community Retail Commercial). Along the east side of Rottenwood Drive, properties are zoned LI (Light Industrial) with office/warehouse and light distribution type businesses.

According to City Code, Section 708.16.G.3, a building that utilizes metal materials for siding shall be constructed with brick, stone, rock or wood covering any façade of the building facing a roadway. The applicant is requesting a variance to allow Aluminum Composite Material (ACM) to be installed along the exterior wall panels of the building. The applicant submitted elevation plans for all four sides of the building. However, the variance is only necessary for the building facades that face Delk Road and Rottenwood Drive; the other two sides do not face a public or private road and do not call for relief from city code.

In a letter dated July 24<sup>th</sup>, 2013, the applicant stated the reason for the variance request is due to Jim Ellis Volvo being required by the manufacturer to upgrade the facility. As part of the renovation, which is part of the national brand image program, they have been directed to use ACM wall panels at the service entrance.

There have been a few other businesses, primarily major car dealerships, that have adopted similar branding image programs that involve the use of aluminum metal materials, and have received variances to allow the use of these materials. Shown below is a list of variances that granted the use of an aluminum metal siding by the Board of Zoning Appeals.

Case #	Address	Organization
<b>Z2007-15</b>	727 Cobb Parkway South	Marietta Toyota
<b>V2010-22</b>	1250 Atlanta Ind Dr	Atlanta Beverage Company
<b>V2010-25</b>	925 Cobb Parkway South	Team Nissan
<b>V2011-17</b>	2155 Cobb Parkway S	Steve Rayman Chevrolet
<b>V2013-10</b>	2160 Cobb Parkway S	Capital Buick GMC

**Staff recommends approval of the requested variance.**